

11-23-01

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BAKER BOTTS LLP

Please type a plus sign (+) inside this box → ⊕

PTO  
09/989856

11/20/01

UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. A34772 (071308.0260)  
First Inventor Ulrich Bungert  
Title APPARATUS AND \* see attached  
Express Mail Label No. EF321682886US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 8]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description☒ Claim(s) [Total Sheets 3]  
☒ Abstract of the Disclosure [Total Sheets 1]
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Pages ]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

ACCOMPANYING APPLICATION PARTS

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies
9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☒ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: .....

Prior application information: Examiner .....

Group Art Unit .....

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

21003

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Bradley B. Geist

Registration No. (Attorney/Agent)

27,551

Signature

*Bradley B. Geist*

Date

11/20/01

**Addendum Sheet 1****\*Question 4 Addendum**

4.a. Drawings are ☒ formal ☐ informal

**\* Question 5 Addendum**

5.c. ☐ An unsigned oath or declaration is included.

**\* Question 8 Addendum**

8.d. ☐ A sequence submission will follow.

**\* Question 9 Addendum**

9.a. ☒ Assignment documents will follow.

9.b. ☐ Assignment documents have been filed in  
parent application No.

**\* Question 11 Addendum**

11.a. ☐ English translation will follow.

**\* Question 12 Addendum**

12.a. ☒ Copies of IDS citations will follow.

**\* Question 15 Addendum**

15.a. ☐ Certified copies of priority documents will follow.

15.b. ☐ Certified copies of priority documents have been filed in parent  
application No.

Use the space below for additional information

|  |
|--|
|  |
|--|

Title (continued):

APPARATUS AND METHOD FOR COMMISSIONING AND DIAGNOSING CONTROL  
SYSTEMS

## Addendum Sheet 2

18a. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_  
 Prior application information: Examiner: \_\_\_\_\_ Group Art Unit: \_\_\_\_\_

18b. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_  
 Prior application information: Examiner: \_\_\_\_\_ Group Art Unit: \_\_\_\_\_

18c. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_  
 Prior application information: Examiner: \_\_\_\_\_ Group Art Unit: \_\_\_\_\_

☐ Amend the specification by inserting before the first line the sentence(s)

☐ "This application is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ "This application is based upon:

prior application No.: \_\_\_\_\_, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.: \_\_\_\_\_, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.: \_\_\_\_\_, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.: \_\_\_\_\_, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.: \_\_\_\_\_, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.: \_\_\_\_\_, incorporated by reference herein

Priority under 35.U.S.C. §119 is claimed based upon the following applications.

### Foreign Applications:

Country: Germany

Serial No: 100 647 98.7

Filing Date: 12/22/00

Country: Germany

Serial No: 101 253 84.2

Filing Date: 5/23/01

Country: \_\_\_\_\_

Serial No: \_\_\_\_\_

Filing Date: \_\_\_\_\_

### Provisional Applications:

Serial No: \_\_\_\_\_

Filing Date: \_\_\_\_\_

Serial No: \_\_\_\_\_

Filing Date: \_\_\_\_\_

Serial No: \_\_\_\_\_

Filing Date: \_\_\_\_\_

## FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 740

### Complete if Known

|                      |                      |
|----------------------|----------------------|
| Application Number   | t/b/a                |
| Filing Date          | November 20, 2001    |
| First Named Inventor | Ulrich Bungert       |
| Examiner Name        | t/b/a                |
| Group Art Unit       | t/b/a                |
| Attorney Docket No.  | A34772 (071308.0260) |

### METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **02-4377**  
Deposit Account Name **Baker Botts LLP**

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description        | Fee Paid |
|-----------------------|-----------------------|------------------------|----------|
| 740                   | 370                   | Utility filing fee     | 740      |
| 330                   | 165                   | Design filing fee      |          |
| 510                   | 255                   | Plant filing fee       |          |
| 740                   | 370                   | Reissue filing fee     |          |
| 160                   | 80                    | Provisional filing fee |          |

SUBTOTAL (1) (\$ 740

#### 2. EXTRA CLAIM FEES

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 19                 | 20 ** = 0    | x              | 0        |
| Independent Claims | 2            | 3 ** = 0       | x        |
| Multiple Dependent |              |                |          |

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description  |
|-----------------------|-----------------------|--|
| 18                    | 9                     | Claims in excess of 20                                     |
| 84                    | 42                    | Independent claims in excess of 3                          |
| 280                   | 140                   | Multiple dependent claim, if not paid                      |
| 84                    | 42                    | ** Reissue independent claims over original patent         |
| 18                    | 9                     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 0

\*\*or number previously paid, if greater. For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|-----------------------|--|----------|
| 130                   | 65                    | Surcharge - late filing fee or oath  |          |
| 50                    | 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 130                   | 130                   | Non-English specification  |          |
| 2,520                 | 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |          |
| 920*                  | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 1,840*                | 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 110                   | 55                    | Extension for reply within first month                                     |          |
| 400                   | 200                   | Extension for reply within second month                                    |          |
| 920                   | 460                   | Extension for reply within third month                                     |          |
| 1,440                 | 720                   | Extension for reply within fourth month                                    |          |
| 1,960                 | 980                   | Extension for reply within fifth month                                     |          |
| 320                   | 160                   | Notice of Appeal   |          |
| 320                   | 160                   | Filing a brief in support of an appeal                                     |          |
| 280                   | 140                   | Request for oral hearing   |          |
| 1,510                 | 1,510                 | Petition to institute a public use proceeding                              |          |
| 110                   | 55                    | Petition to revive - unavoidable   |          |
| 1,280                 | 640                   | Petition to revive - unintentional   |          |
| 1,280                 | 640                   | Utility issue fee (or reissue)   |          |
| 460                   | 230                   | Design issue fee   |          |
| 620                   | 310                   | Plant issue fee  |          |
| 130                   | 130                   | Petitions to the Commissioner  |          |
| 50                    | 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 180                   | 180                   | Submission of Information Disclosure Stmt                                  |          |
| 40                    | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 740                   | 370                   | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 740                   | 370                   | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 740                   | 370                   | Request for Continued Examination (RCE)                                    |          |
| 900                   | 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0

### SUBMITTED BY

Name (Print/Type) **Bradley B. Geist**  
Signature 

Registration No. (Attorney/Agent) **27,551**

### Complete (if applicable)

Telephone **(212) 408-2562**  
Date **11/20/01**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) OR 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory; Express Mail Certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

**37 C.F.R. 1.8(a)**

☐ with sufficient postage as first class mail.

**37 C.F.R. 1.10\***

☒ as "Express Mail Post Office to Address"  
Mailing Label No. EF321682886US (mandatory)

Signature

Date: November 20, 2001

Jane Callahan  
(type or print name of person certifying)

**\*WARNING:** Each paper of fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. "Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.